

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Huntington

Date: 4/23/2012

Case Number 3:10-cr-00224

Case Style: USA vs. Charles Richard Burke

Type of hearing Plea Hearing

Before the honorable: 2514-Chambers

Court Reporter Teresa Ruffner

Courtroom Deputy Terry Justice

Attorney(s) for the Plaintiff or Government Greg McVey

Attorney(s) for the Defendant(s) Michael Payne

Law Clerk Isaac Forman

Probation Officer Beth Srednicki

Trial Time

Non-Trial Time

Plea Hearing

Court Time

2:24 pm to 3:00 pm

Total Court Time: 0 Hours 36 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Hearing scheduled to commence: 2:00 pm

Hearing commenced: 2:24 pm

Defendant appeared in person and with counsel for a plea to count one of the second superseding indictment.

Defendant sworn; Defendant found competent to proceed.

Defendant's counsel summarized plea agreement.

Court deferred acceptance of plea agreement.

Original agreement ordered filed.

Court read charge contained in count one of the second superseding indictment.

Defendant pleaded guilty.

Court read pertinent portions of statute with which Defendant was charged.

Defendant explained why he considered himself guilty.

Testimony of Paul Hunter, offered evidence of what Government would be able to prove at trial.

Court found that there was a sufficient factual basis for the plea.

Court found that the defendant understood the nature of the charge and the consequences of pleading guilty.

Court found that the defendant understood the constitutional and other legal rights being given up.

Court found that the plea was voluntary.

Defendant executed written plea of guilty.

Defendant found guilty of violating 21 U.S.C. § 846.

Plea was accepted.

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PSR to all counsel and defendant 06/25/12

PSR objections 07/09/12

PSR to Court 07/23/12

Memorandum 07/30/12

Sentencing 08/06/12 at 2:30 pm

Defendant detained.

Hearing concluded: 3:00 pm